THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 26997 of 2006

Date:31-07-2007

Between:

Smt.P. Padmavathi @ Sampoorna Lakshmi ..
PETITIONER

AND

The Director General of Police, Hyderabad and four others ..
RESPONDENTS

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ORDER:

The petitioner seeks a writ of mandamus to declare the inaction of the respondents 1 to 4 in not apprehending the respondent No.5 in pursuance of the non-bailable warrant issued by the XIII Additional Chief Metropolitan Magistrate, Hyderabad, dated 05.12.2005, as illegal and arbitrary.

It is stated that pursuant to the complaint lodged by the petitioner, dated 07.07.2005 on the file of the 4th respondent about the illegal action of the 5th respondent and his parents, a Crime No.48 of 2005 was registered under Section 498-A IPC and Sections 3 and 4 of the Dowry Prohibition Act and after completion of investigation, charge sheet was also filed and taken on file in C.C.No.473 of 2005 on the file of the XIII Additional Chief Metropolitan Magistrate, Hyderabad and non-bailable warrant was issued against the 5th respondent as he was absconding during the course of investigation. It is stated that the 5th respondent presently residing in L.S. SKAGGS PHARMACY, 30 s 2000 E RM 201 Salt Lake City, UT 84112 USA and therefore he could not be arrested. The Court also addressed a letter to the Consulate General of India 540 Arquello Boulevard, San Francisco, C.A.94118 requesting the authorities to look into the matter and issue necessary instructions to the concerned for impounding the passport of the 5th respondent No. E.4782763. Thus, all the possible steps are being taken for execution of the non-bailable warrant against the 5th respondent and in fact, the Assistant Commissioner of Police, Begumpet, Hyderabad also addressed a letter to the Immigration

Officers at Chennai, Mumbai and Delhi on 30.06.2006 requesting to furnish the arrival details of the 5th respondent from USA to Hyderabad and also to detain him if he tries to leave India. It is further stated that the house of the 5th respondent at Warangal was also visited where they came to know that the 5th respondent is presently residing in USA. Accordingly, on 20.01.2007 the Deputy Commissioner of Police, North Zone, Hyderabad addressed a letter to the Commissioner of Police, Hyderabad for issuing of Red Corner Notice for apprehending the accused/5th respondent and in turn the Commissioner of Police, Hyderabad addressed a letter to the Additional DG CBCI for issuing of Red Corner Notice. The Deputy Commissioner of Police, North Zone addressed a letter, dated 23.01.2007 to the Commissioner of Police, Hyderabad for issuing of lookout circular for apprehending the 5th respondent. The

4th respondent also approached the Passport Officer, Hyderabad and requested him to furnish the details pertaining to the departure and arrival of the accused/5th respondent to India from USA, but no details were found with him. Thus, it is stated that all the possible steps have been taken for executing the non-bailable warrant against the 5th respondent.

In view of the aforesaid sincere attempts made by the respondent 1 to 4, I am of the opinion that the respondents 1 to 4 shall continue to take all possible steps to trace out and apprehend the 5th respondent. It is also open for the petitioner and her family members to furnish any information or clue that is available with them about the 5th respondent to the respondents 1 to 4 so as to enable them to take appropriate action against the 5th respondent and to execute the non-

bailable warrant.

With the aforesaid observations, the writ petition is disposed of. No costs.

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V.ESWARAIAH, J.

Date:31.07.2007
CCM